

Municipal Clerk
Atlanta, Georgia

02-0-1550

AN ORDINANCE

UEZ-02-11

BY THE COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE

AN ORDINANCE TO CREATE THE "LEGACY SUPERBLOCK AT CASTLEBERRY HILL MIXED-USE RESIDENTIAL/COMMERCIAL ENTERPRISE ZONE", TO BE LOCATED AT CASTLEBERRY HILL (PROPERTY THAT IS BOUNDED GENERALLY BY NORTHSIDE DRIVE, LARKIN STREET, WALKER STREET, AND MCDANIEL STREET), AND FOR OTHER PURPOSES.

WHEREAS an amendment to the Constitution of the State of Georgia was adopted by referendum in November 1982 giving the Council of the City of Atlanta power to create urban enterprise zones in the City of Atlanta; and

WHEREAS enabling legislation known as the Atlanta/Fulton County Urban Enterprise Zone Act was enacted by the Georgia General Assembly and signed by the Governor in March 1983 and subsequently amended; and

WHEREAS the Atlanta/Fulton County Urban Enterprise Zone Act gives the Council of the City of Atlanta the authority to designate areas within the City as urban enterprise zones for mixed-use residential/commercial development purposes if certain conditions are met; and

WHEREAS the designation of a mixed-use residential/commercial enterprise zone exempts the taxable value of property within the zone only from ad valorem taxes for City purposes, but the Board of Commissioners of Fulton County, by appropriate resolution, may exempt from ad valorem taxation for County purposes the taxable value of the same property that is exempted by the City; and

WHEREAS certain types of property may be exempted, conditions must be met by owners of private property to qualify for an exemption, period, and rate of exemptions, and elections may be made by the Atlanta City Council among various types of exemptions which are specified by State law; and

WHEREAS State law provides that an exemption from ad valorem taxation for City purposes also includes, but is not limited to, school and educational purposes; and

WHEREAS the City of Atlanta Development Impact Fee Ordinance provides that, under certain conditions, the City may exempt development in urban enterprise zones from the requirement to pay development impact fees; and

WHEREAS it is the expressed intent of the Atlanta City Council to use urban enterprise zone legislation as an incentive to generate private investment in areas of the City which otherwise might not attract such investments for commercial construction and job creation purposes; and

WHEREAS the conditions and qualifications of the Atlanta/Fulton County Urban Enterprise Zone Act, as amended, have been met relative to the creation of the "Legacy Superblock at Castleberry Hill Mixed-Use Residential/Commercial Enterprise Zone";

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA,
HEREBY ORDAINS AS FOLLOWS:**

Section 1: It is found by the Council of the City of Atlanta that the area in and around the property that would be designated as the "Legacy Superblock at Castleberry Hill Mixed-Use Residential/Commercial Enterprise Zone" is economically and socially depressed. It is further found that areas such as this contribute to or cause unemployment, create an inordinate demand for public services and, in general, have a deleterious effect on the public health, safety, welfare, and morals. It is further found that these areas, as is the case with the property that would be designated as the "Legacy Superblock at Castleberry Hill Mixed-Use Residential/Commercial Enterprise Zone" are characterized by having no investment or under-investment by private enterprise in ventures which produce jobs, trade, provision of services, and economic activities which individually and together contribute to a healthy society. This lack of private investment and activity contributes to social and economic depression in such areas. Therefore, it is in the public interest that incentives be provided to private enterprise to invest in such areas, and that such private enterprise place priority upon the employment of those residents in those economically- and socially-depressed areas designated herein as urban enterprise zones.

Section 2: The "Legacy Superblock at Castleberry Hill Mixed-Use Residential/Commercial Enterprise Zone" is hereby created for the subject property. The effective date of all exemptions established therein shall be January 1, 2003. The Legacy Superblock at Castleberry Hill Mixed-Use Residential/Commercial Enterprise Zone shall be abolished on December 31, 2012. The Legacy Superblock at Castleberry Hill Mixed-Use Residential/Commercial Enterprise Zone shall otherwise not be abolished except as provided in State law. A legal description of the Legacy Superblock at Castleberry Hill Mixed-Use Residential/Commercial Enterprise Zone is attached hereto as Exhibit "A", and made a part hereof, and shall be on file in the Bureau of Planning and the Office of the Municipal Clerk.

Section 3: The Municipal Clerk is hereby directed to transmit a copy of this Ordinance as well as the legal description of the Legacy Superblock at Castleberry Hill Mixed-Use Residential/ Commercial Enterprise Zone to the Tax Commissioner of Fulton County, to the Commissioner of the Department of Community Affairs of the State of Georgia, and to the Superintendent of the Atlanta Board of Education immediately upon the approval by the Mayor of the City of Atlanta.

Section 4: That all ordinances and parts of ordinances that are in conflict herewith are hereby repealed.

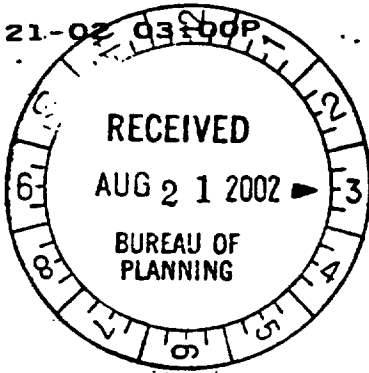


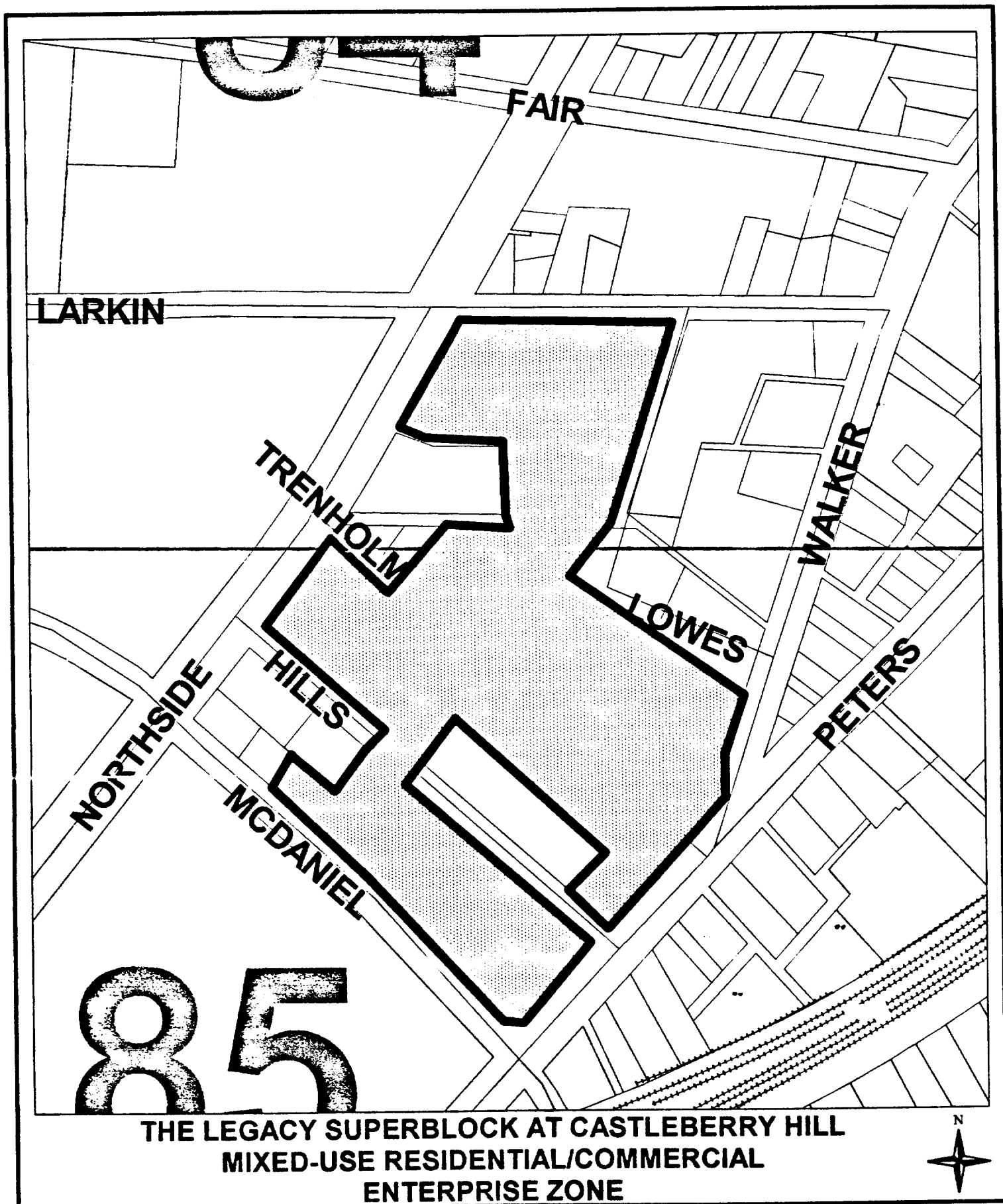
EXHIBIT "A"

RUSSELL TAX ABATEMENT DISTRICT

Legal Description

All that tract or parcel of land lying and being in Land Lots 84 & 85 of the 14th District of Fulton County, Georgia and being more particularly described as follows:

Beginning at the southeasterly right-of-way of Northside Drive and the southerly right-of-way of Larkin Street; thence along said right-of-way of Larkin Street, South 87 degrees 45 minutes 53 seconds East a distance of 343.23 feet to a point on the westerly right-of-way of Larkin Place; thence South 18 degrees 55 minutes 46 seconds West a distance of 316.45 feet to a point on the northerly side of Lowe's Alley; thence South 14 degrees 53 minutes 16 seconds West a distance of 34.26 feet to a point on the south side of Lowe's Alley; thence South 43 degrees 08 minutes 59 seconds West a distance of 91.28 feet to a point; thence South 53 degrees 24 minutes 41 seconds East a distance of 329.47 feet to a point on the westerly right-of-way of Walker Street; thence South 19 degrees 18 minutes 45 seconds West a distance of 162.71 feet to a point; thence South 23 degrees 25 minutes 29 seconds West a distance of 51.72 feet to a point on the northwesterly right-of-way of Peters Street; thence along said right-of-way South 43 degrees 44 minutes 46 seconds West a distance of 217.92 feet to a point on the northeasterly right-of-way of Hills Avenue (30' R/W); thence along said right-of-way North 47 degrees 27 minutes 00 seconds West a distance of 80.55 feet to a point; thence departing said right-of-way North 42 degrees 47 minutes 30 seconds East a distance of 93.29 feet to a point; thence North 48 degrees 12 minutes 55 seconds West a distance of 311.90 feet to a point; thence South 42 degrees 53 minutes 33 seconds West a distance of 119.24 feet to a point on the southwesterly right-of-way of Hills Avenue; thence along said right-of-way South 47 degrees 28 minutes 27 seconds East a distance of 391.48 feet to a point on the northwesterly right-of-way of Peters Street; thence along said right-of-way South 42 degrees 26 minutes 21 seconds West a distance of 167.51 feet to a point at the mitred intersection of the rights-of-way of Peters Street and McDaniel Street; thence along said mitre North 77 degrees 51 minutes 33 seconds West a distance of 35.17 feet to a point on the northeasterly right-of-way of McDaniel Street; thence along said right-of-way North 41 degrees 44 minutes 47 seconds West a distance of 416.13 feet to a point; thence South 73 degrees 22 minutes 47 seconds West a distance of 3.97 feet to a point; thence South 87 degrees 39 minutes 29 seconds West a distance of 10.70 feet to a point at the right-of-way of McDaniel Street; thence North 47 degrees 08 minutes 11 seconds West a distance of 68.00 feet to a point; thence departing said right-of-way North 43 degrees 57 minutes 12 seconds East a distance of 68.53 feet to a point; thence South 46 degrees 02 minutes 10 seconds East a distance of 57.45 feet to a point; thence North 39 degrees 57 minutes 34 seconds East a distance of 87.35 feet to a point on the southwesterly right-of-way of Hills Avenue; thence North 82 degrees 30 minutes 38 seconds East a distance of 39.28 feet to a point on the northeasterly right-of-way of Hills Avenue; thence along said right-of-way North 47 degrees 27 minutes 16 seconds West a distance of 279.55 feet to a point on the southeasterly right-of-way of Northside Drive; thence along said right-of-way along a curve to the left an arc distance of 174.05 feet (being subtended by a chord distance of 173.94, a bearing of North 39 degrees 23 minutes 08 seconds East, and a 1412.54 foot radius) to a point on the southwesterly right-of-way of Trenholm Street (27' R/W); thence along said right-of-way South 46 degrees 51 minutes 01 seconds East a distance of 124.96 feet to a point; thence departing said right-of-way North 43 degrees 44 minutes 09 seconds East a distance of 134.47 feet to a point; thence North 46 degrees 51 minutes 01 seconds West a distance of 5.95 feet to a point on the southerly right-of-way of Lowe's Alley; thence along said right-of-way South 86 degrees 18 minutes 43 seconds East a distance of 92.07 feet to a point; thence departing said alley North 08 degrees 46 minutes 31 seconds East a distance of 148.30 feet to a point on the northerly side of an alley; thence along said alley North 83 degrees 25 minutes 09 seconds West a distance of 115.18 feet to a point; thence North 71 degrees 11 minutes 48 seconds West a distance of 63.28 feet to a point on the southeasterly right-of-way of Northside Drive; thence along said right-of-way North 31 degrees 03 minutes 53 seconds East a distance of 180.40 feet to a point and the POINT OF BEGINNING.



**THE LEGACY SUPERBLOCK AT CASTLEBERRY HILL
MIXED-USE RESIDENTIAL/COMMERCIAL
ENTERPRISE ZONE**

**EVALUATION OF THE PROPOSED
"LEGACY SUPERBLOCK AT CASTLEBERRY HILL
MIXED -USE RESIDENTIAL/COMMERCIAL ENTERPRISE ZONE"**

CRITERION	REQUIRED	PROPOSED	COMPLIANCE
1. <u>Eligibility Criteria:</u>	<u>Must meet 3 of the 4 Criteria:</u>		
a. Evidence of Pervasive Poverty	a. Poverty rate of $\geq 20\%$ for the Census Block Group.	a. Poverty rate of $\geq 30\%$ for block Group 1 of Census Tract 43. Meets this criterion.	Meets 3 of the 4 required criteria:
b. Unemployment	b. Unemployment: <ul style="list-style-type: none"> • Census Tract having at least 10% higher than the State Average; OR • Significant Job Loss, to be documented by the applicant. 	b. Unemployment rate of 11.3% for Census Tract 43. Meets this criterion.	Meets Criteria #a, #b, & #d.
c. General Distress	c. General Distress: <ul style="list-style-type: none"> • High Crime within the police beat/zone; OR • Vacant and/or Dilapidated Structures, or Deteriorated Infrastructure, based on documented proof of existing abandoned and/or dilapidated structures within one block of the project area, or deteriorated infrastructure. 	c. Crime rate of only $\sim 2\%$ for Police Beat/Zone 301. No documentation was submitted by the applicant to demonstrate the presence of abandoned and/or dilapidate structures, or of deteriorated infrastructure, within one block of the project area. Does not meet this criterion.	√
d. Underdevelopment	d. Underdevelopment: The NPU has $\leq 20\%$ of the amount of Development Activity compared to the City as a whole.	d. Development activity of 14% within NPU "M" compared with the City overall. Meets this criterion.	
2. Acreage	None.	Approximately 8 acres of land.	√
3. CDP Consistency	CDP Land Use Classification: "Low-Density Commercial." Allowed F.A.R.: 3.00.	Proposed F.A.R.: 0.41. Consistent with the CDP.	√
4. Zoning Compliance	Zoned "C-5-C."	C-5-C.	√
5. Project Specificity	Project-Specific Zone or $\geq 50\%$ of Areawide Zone	Areawide zone.	√
6. Non-Displacement	Minimum Displacement	Minimum.	√
7. Job Creation	First Source Jobs Policy	Proposes to comply. Partnership with Atlanta Housing Authority.	√
8. Financial Feasibility	<u>Chief Financial Officer's Statement of Fiscal Impact:</u> <ul style="list-style-type: none"> a. Negative cash flow; OR b. Debt coverage ratio < 1.20; OR c. A variable-ratio debt coverage ratio that is equivalent to said fixed-rate ratio, based upon reasonable assumptions as certified. 	To be determined.	To be determined.



CITY OF ATLANTA

DEPARTMENT OF PLANNING, DEVELOPMENT AND NEIGHBORHOOD CONSERVATION

68 MITCHELL STREET, S.W. SUITE 3350 • ATLANTA, GEORGIA 30335-0308

404-330-6145 • FAX: 404-658-7491

SHIRLEY FRANKLIN
MAYOR

Commissioner

TIM POLK
Acting Commissioner

Director

Bureau of Planning

July 16, 2002

Ms. Kimberly A. Cameron
H.J. Russell & Company
504 Fair Street, SW
Atlanta, Ga. 30313

Dear Ms: Cameron

We have received your application for designation of The Legacy Superblock at Castleberry Hill mixed-use residential/commercial enterprise zone. Our staff is currently reviewing the application with regard to the City's criteria for urban enterprise zone designation.

We have scheduled your presentation of the application to Neighborhood Planning Unit (NPU) M on Monday, August 26, 2002 at 6:30 p.m. at the Martin Luther King Jr. Visitor's Center, located at 450 Auburn Avenue, NE. The chair of NPU - M is David Patton, who can be reached at (404) 522-2596. Please be present at the NPU - M meeting to briefly present your proposal and to answer any questions regarding your application.

Additionally, the Community Development and Human Resources Committee of the Atlanta City Council will hold a public hearing on your application on Monday, September 23, 2002 at 6:00 p.m. in the Council Chambers at City Hall. Please be present at the hearing to briefly present your proposal and to answer any questions regarding this application.

Should you require any further information, please contact Linda Logan at (404) 330-6637 or Sara Wade Hicks at (404) 330-6728.

Sincerely,


Beverley Deckeray-Ojo
Acting Director

cc: Tim Polk
Sara Wade Hicks
Linda Logan

TRANSMITTAL FORM FOR LEGISLATION

To Mayor's Office: Greg Pridgeon/Wanda McCoy
(For review & distribution to Executive Management)

Commissioner Signature [Signature] Director Signature [Signature]
Department of Planning Bureau of Planning

From: Originating Dept. Department of Planning and Community Development Contact (name): Sara Wade Hicks, Assistant Director—Ext. 6728

Committee of Purview: Community Development /Human Resources

Committee Meeting Dates: 9/10/02 CD; 9/23/02 public hearing; 10/01/02 CD. Committee Deadline: 10/26/02
City Council Meeting Date: 10/07/02

CAPTION:

AN ORDINANCE BY THE COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE TO CREATE THE "LEGACY SUPERBLOCK AT CASTLEBERRY HILL MIXED-USE RESIDENTIAL/COMMERCIAL ENTERPRISE ZONE", TO BE LOCATED AT CASTLEBERRY HILL -(PROPERTY THAT IS BOUNDED GENERALLY BY NORTHSIDE DRIVE, LARKIN STREET, WALKER STREET, AND MCDANIEL STREET), AND FOR OTHER PURPOSES.

BACKGROUND/PURPOSE/DISCUSSION:

Applicant/Russell New Urban Development, LLC and developer H.J. Russell & Company propose to construct a mixed-use development project that would include 312 apartment units (representing a combination of a Senior Living Facility, loft units, and live/work units), which would comprise 86,866 square feet of residential space, plus 56,000 square of commercial/office space on approximately 8 acres of land. In accordance with the requirements for urban enterprise zones, 20 percent of the new housing units would be designated as "affordable" (for moderate-income residents). The subject property is located in NPU "M", Council Districts 2, 3, and 4, within Land Lots 84 & 85 of District 14. If the proposed development project is constructed, it would further the City's policy of encouraging mixed-use development projects. The estimated total project development cost is \$100 million. Financing would be provided by Citizens Trust Bank and Merchant Capital, LLC.

FINANCIAL IMPACT (if any):

The Department of Finance is conducting a fiscal impact analysis for the proposed zone.

Mayor's Staff Only:

Received by Mayor's Office: 8/29/02 Reviewed: [Signature]
(Date) (Initials) (Date)

Submitted to Council: _____
(Date)

Action by Committee: Approved Adversed Held Amended
Substitute Referred Other